

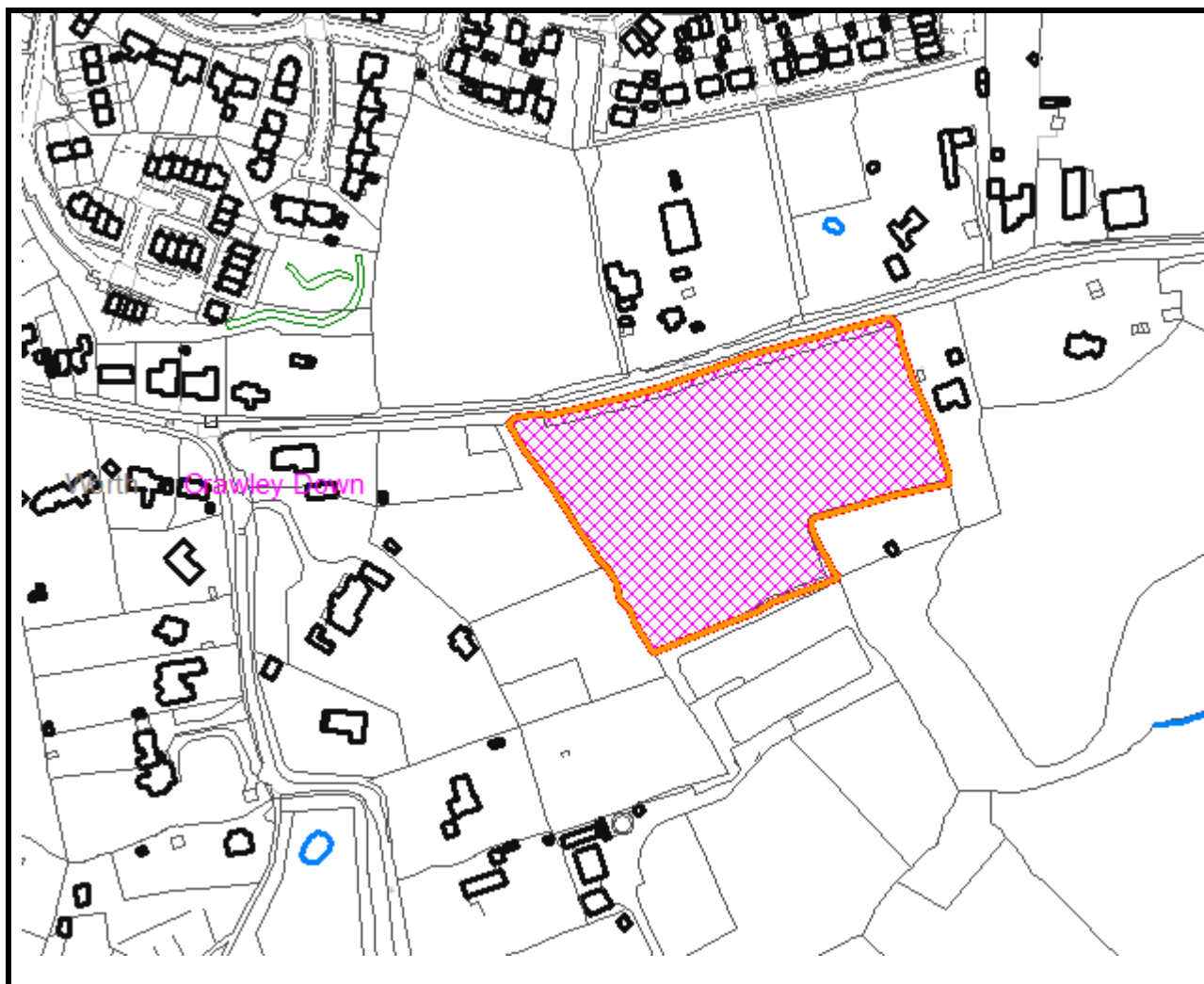
Planning Committee



Recommended for Permission

21st May 2026

DM/25/3191



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Site:	Land To The South Of Burleigh Lane Crawley Down West Sussex
Proposal:	Outline application with all matters reserved except for access from Burleigh Lane, for the erection of up to eight self-build/custom build dwellings, drainage and ancillary works.
Applicant:	Mr Bernhard Eppert
Category:	Minor Dwellings
Target Date:	15th May 2026
Parish:	Worth

Ward Members:	Cllr Ian Gibson / Cllr John Hitchcock /
Case Officer:	Rachel Richardson

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T7BDUFKT0D200>

1.0 Purpose of Report

- 1.1 To consider the recommendation of the Interim Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

- 2.1 Outline planning permission is being sought with all matters reserved except for access from Burleigh Lane, for the erection of up to eight self-build/custom build dwellings, drainage and ancillary works. This is on land to the south of Burleigh Lane in Crawley Down.
- 2.2 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Crawley Down Neighbourhood Plan (CDNP).
- 2.3 Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.
- 2.4 The NPPF states that planning should be genuinely plan-led. Paragraph 11(c) of the NPPF is clear that development proposals should be approved without delay where they are in accordance with an up-to-date Development Plan. It states further, paragraph 11(d), that where the policies most important for determining the application are out-of-date, permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (the tilted balance). Footnote 8 of paragraph 11 clarifies that 'out-of-date' includes for applications the provision of housing in situations where the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites.
- 2.5 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.

- 2.6 The principle of the application does conflict with the Development Plan, in terms of what type of development is permissible in the countryside under policies DP6, DP12 and DP15 of the MSDP and policy CDNP05 NP. Harm to heritage assets has also been identified, in conflict with policy DP34 of MSDP. It is considered that the development conflicts with the Development Plan, taken as whole, and therefore attention needs to be given to any other material considerations (NPPF) that might indicate that a decision should be taken other than in accordance with the Development Plan.
- 2.7 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. Having regard to this, and in light of footnote 8 of the NPPF, it is considered that the presumption in favour of sustainable development, as set in paragraph 11(d) of the NPPF, is engaged and the key test that should be considered in determining this application.
- 2.8 Having regard to footnote 7 of paragraph 11, and taking into account the above assessment, it is not considered that there are any strong reasons that would justify refusing the scheme (para 11(d)(i)). As such paragraph 11(d)(ii) is relevant in the determination of this application and the permission should be granted unless the adverse impact significant and demonstrably outweigh the benefits, when considered against the policies within the NPPF.
- 2.9 The provision of eight dwellings, albeit to a lesser extent, will assist with meeting the Councils housing requirements and in this case, there would be some social and economic benefits from this development proposal, namely, the positive contribution to the local community through the increase in population of varied ages as a result of small units and the jobs created during construction. There would also be public benefits arising during the construction phase of the project and from the operational phase from additional spending in the local economy from the future residents. This is a sustainable location. These factors all weigh in support of the proposals.
- 2.10 The Housing and Planning Act (2016) prescribes a statutory duty for the Council to give enough permissions in respect of serviced plots of land to meet the demand for self-build and custom housebuilding. A recent appeal for eight self and custom build plots on land north of Felbridge Road, Felbridge, was allowed at appeal (APP/D3830/W/25/3373757 – DM/24/2400). This was because the Inspector concluded that the Council is not meeting its statutory requirements in relation to providing sufficient self-build and custom housing plots. This application will therefore favourably contribute to the Councils shortfall in supply. This is a benefit in terms of the planning balance.
- 2.11 In terms of affordable housing this is positive in the balance given that the proposal will provide a financial contribution for off-site provision which will be secured through a Section 106 Agreement.
- 2.12 In respect of adverse impacts, the development would cause harm to the character and appearance of this rural location, and result in the development of a green field. However, this harm would be limited given the circumstances of the locality and that there is a resolution to grant permission on land immediately north of Burleigh Lane and opposite the site, which will be built out with 48 dwellings and is within the built-up area. Furthermore, supplemental landscaping along the Burleigh Lane boundary (which can be secured via condition) will help to mitigate the visual impact of the proposed development.
- 2.13 In terms of impact on heritage assets and in particular the setting of Burleigh Cottage, a grade II listed building and its curtilage listed outbuilding, less than substantial harm has been identified. In the contexts of paragraph 215 of the NPPF it is considered that there are public benefits that outweigh the identified harm, the less than substantial harm still needs to be given significant weight in the determination of the application. This weighs against the development.

- 2.14 In terms of residential amenity, it is considered that there will be no significant harm for the occupants of neighbouring houses which are all located some distance away due to the spacious existing pattern of development in the locality. No significant harm would result for the future occupants of the proposed dwellings due to acceptable distance between dwellings and the acceptable indicative layout. This is neutral in the planning balance.
- 2.15 In relation to transport issues and the details to be considered at this outline stage for access, West Sussex County Council has no objection. The proposed 5.5m width and visibility splays of at least 25 metres in both directions setback by 2.4 metres is achievable, in accordance with the posted speed limits. This is neutral in the planning balance.
- 2.16 There are no objections raised in relation to drainage, contamination, biodiversity/trees, utilities, sustainability or archaeology. As such these points are neutral in the planning balance.
- 2.17 The proposal would provide an off-site 10% biodiversity net gain, which can be given moderate weight.
- 2.18 The proposed development will not have a harmful impact on the Ashdown Forest in terms of pollution. SANG and SAMM will be secured through the S106 Agreement as mitigation to protect the forest against recreational disturbance. The S106 will also secure financial contributions for infrastructure improvements. This is neutral in the balance.
- 2.19 In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal. There are no strong reasons for refusing the development.
- 2.20 In these circumstances, the NPPF states that permission should be granted and there are no other material considerations that would alter the above planning balance.
- 2.21 It is considered that while the proposals do conflict with the Development Plan when read as whole, there are other material considerations that indicate that a decision should be made other than in accordance with the Development Plan.
- 2.22 Therefore, taking all the points into consideration, there are compelling reasons to approve this application. Subject to the satisfactory completion of a Section 106 Legal Agreement to secure monies for infrastructure provision, the provision of affordable housing, and the imposition of suitable conditions.

3.0 Recommendation

Recommendation A

- 3.1 It is recommended that planning permission is granted subject to the conditions listed in Appendix A and the completion of a section 106 legal agreement to secure affordable housing, the infrastructure, SAMM and SANG contributions and the biodiversity net gain requirements.

Recommendation B

- 3.2 If a satisfactory planning obligation has not been completed by 21th August 2026 it is recommended that the application be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reason:

'The proposal fails to provide the required affordable housing, the infrastructure, SAMM and SANG contributions and the biodiversity net gain requirements. The application therefore conflicts with Policies DP17, DP20, DP31 and DP38 of the Mid Sussex District

4.0 Summary of Representations

4.1 32 letters of objection have been received from households mainly within the Crawley Down area. Their concerns are summarised as follows:

Character and Appearance

- Close up and erode the strategic (Turners Hill) gap between settlements resulting in urban sprawl. It should be cumulatively considered alongside the 48 houses approved under DM/25/1593.
- Harmful to open character of the countryside and out of keeping/detrimental to the village setting.
- Conflicts with Crawley Down Neighbourhood Plan to resist inappropriate development outside of the built-up area boundary.
- Overdevelopment (not infill).

Heritage

- The NPPF states that any development must enhance or better reveal heritage significance and that grade II listed buildings be protected. The Grange is a Grade II listed building.
- Significant harm to the setting of listed building(s)
- A scheme under DM/19/4609 was refused for two houses adjacent to Thyme Cottage due to its harmful impact on the historic farmstead and semi rural character of the area.

Residential Amenity

- Self-build development will result in long term disturbance to nearby properties.
- Overlooking and a loss of privacy to properties A6-A8 at the rear of the proposed development
- Overbearing and dominant impact

Infrastructure

- GP services are already under pressure, along with school places and parking, which are all stretched.
- Exacerbate existing inadequate water and electricity supply
- Too many houses are being granted planning permission putting unacceptable pressure on village infrastructure which are already at capacity. These include Burleigh Woods and Kiln Lane (parcels 46 and 51 on Figure 4, Page 16 of the CDNP), 48 houses to the north of Burleigh Lane (DM/25/1593), and the application for 350 houses on Huntsland Farm land off Turners Hill Road (DM/25/0015 and DM/25/0016).

Transport

- Access to Burleigh Lane is via Sandhill Lane. These roads are unsuitable for construction traffic and an intensification of use. They are maintained by the Residents Association, have no formal passing points and designated public footpaths for walkers, horse riders etc. The Traffic Report accompanying the application is factually inaccurate.
- Prejudicial to the safety of pedestrians (including children and those using the route for the Duke of Edinburgh Award) and other users of the PROW like cyclists and dog walkers.
- The proposed cess pit option for sewage solutions will result in regular heavy vehicles using both lanes to empty the cess pits on unsuitable private and narrow roads.
- Increase in traffic movements which will exacerbate the existing problem (delivery lorries have become more frequent since COVID)
- Reduced accessibility for emergency vehicles

Drainage and Flood Risk

- No capacity for additional use of existing sewage pipes which are already substandard
- Surface water concerns and increased flood risk.
- Sandhill Lane is frequently flooded

Ecology

- Harmful to bird population
- There are great crested newts in the locality which will be at risk
- harmful to impact on other wildlife and animals (deer, owls, bats, badgers, foxes and hedgehogs)

Sustainability

- the location is not sustainable. No safe walking routes and limited public transport. Reliance on the private car. The private road has no footpaths or lighting.

Other

- Future home owners should be made financially responsible for maintenance of the private road.
- Will set a precedent for further development to be acceptable if this is approved.
- The applicant has already subdivided his garden to build Orchard House (DM/19/1899) and is motivated by money.

5.0 Summary of Consultees

Mid Sussex District Council (MSDC) Conservation Officer

Objection. The proposal is harmful to the settings and special interests of Burleigh Cottage and its curtilage listed outbuilding. The cumulative impact of the 48 dwellings approved under DM/25/1593 and this proposal will remove the surviving rural setting of the historic farmstead, severing its relationship with the broader countryside to the east. It will exacerbate the harm arising to the special interest of the listed and curtilage listed building to around the midpoint of the less than substantial scale.

MSDC Trees and Landscape Officer

No objection subject to a planning condition to ensure the development, if approved, is carried out in accordance with the Tree Report and Method Statement.

MSDC Contaminated Land Officer

No objection subject to a planning condition, if approved.

MSDC Drainage and Flood Risk

No objection subject to conditions, if approved.

MSDC Housing and Enabling Officer

No objection in principle and affordable housing provision being secured through a S106 Agreement.

MSDC S106 Officer

Based on the information given at this outline stage, indicative figures have been calculated as follows:

- Community Buildings - £13,524
- Playspace and Outdoor provision for Older Children - £18,850
- Formal Sports - £13,440
- Local Community Infrastructure - £9,620

MSDC Ecological Consultant

No ecological objection subject to conditions.

MSDC Landscape Consultant

No objection in principle. Recommendations have been made.

MSDC Historic Environmental Consultant (Archaeology)

No objection in principle and recommends a condition in relation to archaeological trial trenching and excavation.

West Sussex County Council (WSCC) Highway Authority

No objection subject to conditions.

WSCC County Planning Officer

Given that this is an outline application, formula's are given in order to calculate monies towards education, libraries and total access demand (TAD) at the reserved matters stage, when details are provided.

Natural England

No objection subject to securing appropriate mitigation.

NatureSpace Partnership

Recommends conditions and informatives should permission be granted. The applicant has received their NatureSpace documentation.

6.0 Worth Parish Council Observations

- 6.1 Defer to the Officer for their consideration when determining the application but would like to express the following concerns:

Self and custom build properties can take a number of years to complete resulting in prolonged disruption for local residents in terms of construction traffic and associated noise and debris.

If MSDC are minded to approve the application, the Parish Council requests that consideration be given to imposing a condition which asks for a start and completion date to minimise long term disruption.

7.0 Introduction

- 7.1 Outline planning permission is sought with all matters reserved except for access for the erection of up to eight self-build/custom build dwellings, drainage and ancillary works.

8.0 Relevant Planning History

- 8.1 None.

9.0 Site and Surroundings

- 9.1 The site on land south of Burleigh Lane, in Crawley Down, extends to approximately 1.77 hectares and comprises an open field on relatively flat ground, the perimeter of which is defined by mature vegetation, comprising a mix of hedgerow and tree planting. It is accessed off a driveway currently accessing Sandhill House to the west.
- 9.2 The Application Site is bounded by Burleigh Lane to the north, there is a dwelling and annex to the east (Hedgerows), and a tree belt defining the southern boundary beyond which is pastureland and a sand school. There is also pastureland to the west between the application site and properties located on the northern side of Sandhill Lane.
- 9.3 Burleigh Cottage, a Grade II listed building which dates back to the 17th century and lies some 63m at its closest point and between boundaries, to the northwest of the Application Site. Adjoining Burleigh Cottage to the east is the site for 48 houses (DM/25/1593) which has a resolution to grant planning permission pending completion of a S106 Agreement.
- 9.4 Contextually, the local areas to the south, west and northeast of Burleigh Lane and Sandhill Lane are large individual / substantial plots with detached houses of various styles and ages.

9.5 Burleigh Lane, along the northern boundary of the Application Site comprises a public footpath (WOR/56W/1), which runs in an east westerly direction.

9.6 The site lies within a red zone for great crested newts.

10.0 Application Details

10.1 Outline planning permission is sought for the development of eight self-build custom build plots to comprise six no. five-bedroom two storey houses and two no. single storey three-bedroom units. Access to the site is proposed to be fixed at this stage with the remaining matters reserved for future consideration.

10.2 Given the nature of the proposal, it is anticipated that separate reserved matters applications would be submitted by each individual occupier of the plots. As required in planning policy, plot passports for each of the eight plots are included in the Design and Access Statement submitted as part of this application.

10.3 Section 3 of the Design and Access Statement sets out the indicative proposals for the application site in terms of layout, scale and landscaping.

10.4 It is proposed to access the new housing development from the northwestern corner of the application site, directly onto Burleigh Lane. The new access / egress point has been positioned to limit impact on the existing tree belt with only a grade C tree proposed to be removed to create the access point. Reference should be made to Reeves Transport consultancy's report as well as David Archer Associates Tree report.

10.5 Paragraph 4.4 of the Transport Statement states, "*The new access is 5 metres wide and adopts the same shared principle of the lanes leading to the site. Visibility splays of at least 25metres in each direction are achievable from a setback distance of 2.4metres. This requires the trimming of the existing boundary vegetation to the east, which ensures that visibility can be provided.*"

10.6 The proposed road within the site is 'U'shaped with its main spinal road running in an east-westerly orientation in a central position. The indicative layout shows that the proposed housing would be arranged around and either side of the access road.

10.7 The indicative details for each of the plot passports are given in part 2 of the Design and Access Statement. The design and access statement also refers to the appearance indicating that materials for their construction may include natural and charred timber boarding (horizontal and vertical), buff red brick, handmade clay roof tiles and tile hanging, natural slates and sedum flat roofs with a contemporary design approach that references the surrounding vernacular.

10.8 The landscaping proposals have been developed by Nicholas Dexter Landscapes (0373-NDLD-L-Landscape Proposal) and look to ensure the character of the site remains as existing with the introduction of natural boundaries, additional tree and vegetation planting, all designed to enhance the natural character of the site and provide further wildlife habitats.

11.0 Legal Framework and List of Policies

11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

11.2 Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

11.3 Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

11.4 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy (or each and every aspect of a policy) but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

11.5 Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a Development Plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

11.6 Using this as the starting point the Development Plan for this part of Mid Sussex consists of the Mid Sussex District Plan (MSDP), Sites Allocations Development Plan Document (SADPD) and the Crawley Down Neighbourhood Plan (CDNP).

11.7 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the Development Plan but is an important material consideration.

11.8 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERCA) places a duty on the Council (public authorities) to conserve biodiversity in exercising its functions. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

11.9 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This application was submitted after mandatory biodiversity net gain coming into effect, so this application is subject to the 10% mandatory biodiversity net gain introduced under schedule 7A referred to above.

11.10 The following list of policies are relevant in the determination of this application;

11.11 Mid Sussex District Plan (MSDP) 2014-2031

The District Plan was adopted at Full Council on 28th March 2018. Relevant policies:

DP4 - Housing

DP6 - Settlement Hierarchy

DP12 - Protection of countryside

DP15 - New homes in the countryside

DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP20 - Securing Infrastructure

DP21 - Transport
 DP26 - Character and Design
 DP27 - Dwelling Space Standards
 DP28 - Accessibility
 DP29 - Noise, Air and Light Pollution
 DP30 - Housing Mix
 DP31 - Affordable Housing
 DP34 - Listed Buildings and other Heritage Assets
 DP37 - Trees, Woodland and Hedgerows
 DP38 - Biodiversity
 DP39 - Sustainable Design and Construction
 DP41 - Flood Risk and Drainage
 DP42 - Water Infrastructure and the Water Environment

11.12 Mid Sussex Site Allocations Development Plan Document (SADPD)

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. Relevant policy:

None.

11.13 Crawley Down Neighbourhood Plan

The Crawley Down Neighbourhood Plan was made on 28th January 2016. Relevant policies:

CDNP01	Securing Sustainable Local Infrastructure
CDNP05	Control of New Developments
CDNP06	Sustainable Drainage Systems
CDNP09	Protect and Enhance Biodiversity
CDNP10	Promoting Sustainable Transport
CDNP11	Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA)

11.14 Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

11.15 Other Material Considerations

11.16 Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and hearings were concluded on 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1: Climate Change
 DPS2: Sustainable Design and Construction
 DPS4: Flood Risk and Drainage
 DPN1: Biodiversity, Geodiversity and Nature Recovery
 DPN2: Biodiversity Net Gain
 DPN4: Trees, Woodland and Hedgerows
 DPC6: Ashdown Forest SPA and SAC
 DPB1: Character and Design
 DPB2: Listed Buildings and Other Heritage Assets
 DPT3: Active and Sustainable Travel
 DPT4: Parking and Electric Vehicle Charging Infrastructure
 DPH1: Housing
 DPH3: Sustainable Development – Inside the Built-up Area
 DPH6: Self and Custom Build Housing
 DPH7: Housing Mix
 DPH12: Dwelling Space Standards
 DPH12: Accessibility
 DPH8: Affordable Housing
 DPI1: Infrastructure Provision
 DPI2: Planning Obligations

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.17 The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

Position Statement: Delivering Sustainable Development (Dec 2025)

Position Statement 2: Infrastructure (Dec 2025)

Affordable Housing Supplementary Planning Document (SPD)

WSCC: Guidance on Parking at New Developments (Sept 2020)

Technical Housing Standards: Nationally Described Space Standard (Mar 2015)

National Planning Policy Framework (NPPF) (December 2024)

- 11.18 The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.
- 11.19 Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged.'*

Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'

11.20 Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

11.21 Paragraph 12 of the NPPF states;

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

11.22 Paragraph 39 of the NPPF states;

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

11.23 With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance (PPG)

National Design Guide

11.24 Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

11.25 Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

12.0 Assessment

12.1 As said above, this is an outline planning application for the detailed consideration of only access. All other issues will be considered in detail under the reserved matters application to follow and can only be assessed under this application for indicative purposes only.

12.2 It is considered that the main issues that need to be considered in the determination of this outline application are as follows;

- The Principle of Development
- Character and Appearance
- Self and Custom Build
- Heritage Assets
- Neighbour Amenity
- Space Standards/Accessibility
- Affordable Housing and Mix
- Highways
- Flood Risk/Drainage
- Infrastructure provision
- Ecology and Biodiversity Net Gain
- Trees
- Sustainability
- Ashdown Forest

Principle

- 12.3 As noted above, planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 12.4 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Crawley Down as defined by the District Plan. As such the site is located within the defined Countryside.
- 12.5 Policy DP12 of the District Plan refers to the protection of the Countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.
- 12.6 Policy DP6 of the District Plan states in part that:
- 'Outside defined built-up area boundaries, the expansion of settlements will be supported where:*
- 1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
 - 2. The site is contiguous with an existing built up area of the settlement; and*
 - 3. The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.'*
- 12.7 The proposed residential development does not meet any of these criteria. Policy DP15 of the District Plan refers to new homes in the countryside and sets out the special justifications where new homes would be permitted. Special justification would include;
- Essential agricultural or forestry workers accommodation
 - Exceptional design quality for isolated new homes
 - Rural exception sites
 - DP6 requirements being met

12.8 The proposed residential development does not meet any of these special justifications. Policy CDNP05 is of relevance as it relates to new developments within the Neighbourhood Plan Area.

12.9 The policy states that planning permission will be granted for residential development subject to meeting a list of criteria:

- 'a) The scale height and form fit unobtrusively with the surrounding buildings and the character of the area or street scene and where appropriate, special regard should be had to sustaining and enhancing the setting and features of heritage assets and the Areas of Townscape Character.*
- b) Individual developments will not comprise more than 30 dwellings in total, with a maximum density of 25 per Ha and spacing between buildings to reflect the character of the area.*
- c) Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*
- d) The individual plot sizes are proportionate to the scale of the dwelling.*
- e) Open green spaces are provided in accordance with the Local Plan standard provisions. Where practical open spaces should provide linkage/connection to elements of the local footpath network.*
- f) Construction materials are compatible with the materials of the general area and are locally sourced where practical.*
- g) The traditional boundary treatment of the area is provided and where feasible reinforced.*
- h) Suitable access and on-site parking is provided without detriment to neighbouring properties.*
- i) The development is arranged such that it integrates with the village.*
- j) Housing need is justified.*
- k) The development does not impact unacceptably on the local highway network.*
- l) Issues raised in the local housing supply document site assessment are satisfactorily addressed.*
- m) Has a range of dwelling sizes and in particular provides dwellings that are suited to the needs of both young families and older residents.*
- n) Includes affordable homes as required by District policy.*
- o) Proposals for new housing developments must meet the standards set out in Appendix 1*
- p) Developments of 6 or more dwellings should provide a mix of dwelling sizes (market and affordable) that fall within the following ranges:*

Market Housing At least 75% 2-3 bedroom houses and up to 25% other sizes

Affordable Housing At least 80% 2-3 bedroom houses and Up to 20% other sizes'.

There is however some conflict between the District Plan and with CDNP05, relating to criteria (b) only, rather than the whole policy.

12.10 Policy CDNP05b conflicts with Policy DP6, which only supports residential development which is contiguous with the built-up area boundaries for fewer than 10 dwellings.

12.11 Policy CDNP05b conflicts with the provision in Policy DP12, which supports the principle of development in the countryside, provided it maintains or where possible enhances the quality of the rural and landscape character of the District.

12.12 Policy CDNP05b conflicts with Policy DP15, which states that new homes will be permitted in the countryside where they would not be in conflict with Policy DP12, and where special justification exists.

12.13 Under section 38(5) of the Planning and Compulsory Purchase Act 2004, if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. In this case, the District Plan

takes precedent over the Neighbourhood Plan because the DP was more recently adopted in 2018 compared to the NP which was adopted in 2016.

- 12.14 There are no other relevant policies in the District Plan, any other Development plan documents such as the Site Allocations document, or the Neighbourhood Plan that would explicitly support the residential development of this site. The principle of the application would therefore conflict with the Development Plan, in terms of what type of development is allowable under policies DP6, DP12 and DP15.
- 12.15 As per planning legislation, a decision must be made in accordance with the development plan unless there are any material planning considerations which indicate otherwise.
- 12.16 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF.
- 12.17 Paragraph 232 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 12.18 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states;

'For decision-taking this means;

c) approving development proposals that accord with an up-to-date development plan without delay;

or

d) where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless;

i. The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.'

- 12.19 Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.
- 12.20 Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of delivery housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75%) of the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.

- 12.21 Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.
- 12.22 In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance. If however, the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused, having particular regard for the key policies indicated in paragraph 11(d)(ii).
- 12.23 As part of this process, the weight to be given to development plan policies will need to be assessed against the degree of conformity with the NPPF.
- 12.24 Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out-of-date, having regard to the NPPF tests. As such, these policies can be given limited weight in the determination of the application.
- 12.25 Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the Council's is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.
- 12.26 Policy DP12, to restrict certain forms of development. As with DP12, it is not considered that this policy directly relates to the supply of housing however, for the same reasoning as above, the weight that can be given to this policy is moderate.
- 12.27 Policy DP15 (New Homes in the Countryside) identifies the types of new homes that will be permitted in the countryside, where special justification exists. While this policy relates to the provision of housing, the aims are consistent with paragraphs 82 - 84 of the NPPF and as such this policy can be given full weight.
- 12.28 Policy CDNP05 relates to the supply of housing so can be given full weight. However, as said above it conflicts with DP12 and DP15 and given that the DP was more recently adopted, DP12 and DP15 take precedent.
- 12.29 Therefore, the key test that must be undertaken when assessing this application is as set out within para 11(d) of the NPPF.
- 12.30 The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF in order to undertake the necessary tilted balance assessment outlined above.

Character and Appearance

- 12.31 As said above the application site is situated within the countryside. It is a field bounded by a well-established mix of hedgerow and trees which forms part of a row of vegetation that defines the perimeter of Burleigh Lane. The site is to the southern side of Burleigh Lane

opposite the built-up area boundary of Crawley Down, as defined in the DP. It is on the edge of Crawley Down and contributes positively to the verdant and rural character of the settlement.

- 12.32 The proposed development would result in the loss of the rural field and the replacement with eight dwellings which would harm the positive contribution the site makes towards the verdant character and appearance of the area, and the rural settlement edge of Crawley Down. It would also visually extend the developed area of Crawley Down into the countryside to the south and this would be further exacerbated by the creation of a new access through the existing unbroken boundary vegetation. This would urbanise the frontage of the site and be harmful to the character and appearance of the area.
- 12.33 However, the character of the area is one of large dwellings situated in a sporadic and spacious setting. The indicative layout of the proposed development has been designed to be in keeping with the existing pattern of surrounding development and is unlikely to detrimentally distort the appearance of Crawley Down. Albeit harm would still result from the loss of a green field and expansion of the settlement to the southern side of Burleigh Lane.
- 12.34 It should also be noted that the character of the area immediately to the north of the application site will change given that this is an allocated housing site for 48 houses (DM/25/1593) and there is a resolution to grant permission pending completion of a S106 Agreement. However, the site under DM/25/1593 is within the defined built-up area boundary and not within the countryside.
- 12.35 As such, and overall, while it is considered that the development would cause harm to the character and appearance of the area by the development of a green field. However, it is considered that this harm would be limited given the circumstances of the locality as set out above.
- 12.36 In respect of character and appearance, the proposed development would therefore conflict with policy DP12 of the Mid Sussex District Plan (2018) (MSDP) and Policy CDNP05 of the Crawley Down Neighbourhood Plan (2016) (NP). These policies seek to protect the countryside and its intrinsic character and beauty and prevent coalescence.

Self and Custom Build

- 12.37 In relation to this issue, a recent appeal (APP/D3830/W/25/3373757) decided on 20th April 2026, states the following:

“The Housing and Planning Act (2016)² prescribes a statutory duty for the Council to give enough permissions in respect of serviced plots of land to meet the demand for self-build and custom housebuilding arising in each base period. The PPG confirms that the level of demand is established by reference to the number of entries added to an authority’s register during a base period and that at the end of each base period, relevant authorities have three years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period³.”

In terms of the demand, the Mid Sussex Self-Build and Custom Housing Register, sets out the demand for serviced plots over base periods from its creation in 2015. As of the latest base period 10, the evidence shows that 16 households were on the register.

The Council sets out that since 2020 they have undertaken an annual review of the register and removed entries who no longer wished to remain or did not re-pay the registration fee and therefore contend that the register should not be viewed as a cumulative list. The Council has also referred to a scheme in Lindfield, Mid Sussex where consent was granted for three self-build/custom housing plots and despite being marketed for 24 months, only one plot was sold on this basis. The Council sets out that since 2020 they have undertaken

an annual review of the register and removed entries who no longer wished to remain or did not re-pay the registration fee and therefore contend that the register should not be viewed as a cumulative list. The Council has also referred to a scheme in Lindfield, Mid Sussex where consent was granted for three self-build/custom housing plots and despite being marketed for 24 months, only one plot was sold on this basis.

In any case, the legislation and PPG is clear in the statutory requirement to meet the demand arising from each base period. As such, I have had regard to whether sufficient permissions have been granted to meet the demand arising from the relevant base periods.”

- 12.38 The Inspector concluded that based on the evidence they had received and on the balance of probabilities, MSDC are not meeting its statutory requirements in relation to providing sufficient self-build and custom housing plots. The Inspector stated that, *‘as insufficient permissions have been granted by the Council to meet demand in accordance with the statutory duty, this is a material consideration in favour of granting permission.’*
- 12.39 It should be noted that a different Inspector came to a different view under APP/D3830/W/23/3316817 in respect of the refusal for DM/22/2204, an outline application for 1 no. self-build dwelling. In that case, examples were given of nine applications providing suitable self-build plots to meet the level of local demand but the evidence provided in the more recent appeal decision contested the supply figures and the subsequent Inspector had no reason to consider otherwise.
- 12.40 As such, based on the more recent appeal decision, the proposed self and custom build plots would positively contribute to the Council’s shortfall in supply, and this is considered positive in the planning balance.

Heritage Assets

- 12.42 The LPA is under a duty by virtue of s.66(1) of the Listed building and Conservation Area (LBCA) Act 1990 (General duty as respects listed building in exercise of planning functions);

‘In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’

- 12.43 Case law has stated that;

‘the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.’

- 12.44 The Court further stated on this point;

‘This does not mean that an authority’s assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area

gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrefutable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.'

- 12.45 Policy DP34 of the MSDP states, in relation to Listed Buildings and other heritage assets, the following;

'Listed Buildings

Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- Special regard is given to protecting the setting of a listed building;*
- Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

Other Heritage

Assets Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'

- 12.46 Section 16 of the NPPF is of particular relevance in relation to the application and the most relevant paragraphs are set out below ;

'208. Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any

necessary expertise. They should take this into account when considering the impact of a proposal of heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'

'210. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) Grade II listed buildings, or Grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, Grade I and II* listed buildings, Grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

12.47 To the north-west of the site is Burleigh Cottage, a Grade II listed building. The Council's Conservation Officer has provided the following comments:

"The application site is an agricultural field located adjacent to Burleigh Lane on the southern edge of the village of Crawley Down. Burleigh Cottage, a Grade II listed building, is a short distance to the northwest on the opposite side of the Lane, which is a public right of way (PROW).

Burleigh Cottage is a 17th century former farmhouse faced with weatherboarding and painted brick. Previously the building was the farmhouse for Sandhillgate Farm, and was renamed Burleigh Cottage in the mid 20th century. An outbuilding shown on historic maps dating from the mid 19th century appears to survive to the north east of the house, but otherwise the former farm buildings appear to have been lost. If in fact pre-dating 1948 this outbuilding may be regarded as curtilage listed. Sandhillgate Farm is recorded in the West Sussex Historic Farmstead and Landscape Character assessment, which is part of the HER, as an historic farmstead dating from the 19th century.

Burleigh Cottage is considered to possess architectural value based on its design, construction and craftsmanship, historical illustrative value as a good example of a building of its type and period, and aesthetic value based in part on the use of vernacular materials. It will also have group value with the surviving curtilage listed outbuilding. As such, the surviving rural and semi-rural setting to the east and southeast of Burleigh Cottage, together with the semi-rural character of the approaches to the building along Burleigh Lane/the PROW, make a strong positive contribution to the manner in which its special interest is appreciated.

The application site constitutes a significant part of the close rural setting to the southeast of the historic farmstead. It is also likely to have been part of the historic farmlands associated with it, although this is not addressed in the brief submitted Heritage Statement. Although direct intervisibility between the two may be limited to glimpsed views by intervening planting, the site has a strong impact on the character of the approach to the listed buildings along Burleigh Lane/the PROW from the east. I would consider it to make a positive contribution, in its current state, to the setting of Burleigh Cottage and the associated curtilage listed outbuilding, and the manner in which their special interests as constituent parts of a historic farmstead are appreciated, in particular those parts of those interests which are drawn from historical illustrative and aesthetic values. That contribution will be enhanced by the likely historical relationship of function between the site and the listed building, if confirmed.

The currently proposed development would have a fundamental impact on the character of the site, which would become a densely developed suburban enclave. This will remove and reverse the positive contribution which the site currently makes, through setting, to the special interest of Burleigh Cottage and its curtilage listed outbuilding.

Whilst I note that there is a detailed landscaping scheme as part of the application, and welcome the use of native species hedging and tree planting within the site to soften the development, there does not appear as part of the proposal any intention to strengthen the existing planting along the Burleigh Lane boundary, which is currently relatively sparse, and allows quite open views into the site, particularly in winter. If the Council is minded to approve the development, I would recommend that this is addressed, but as it stands the landscaping offers little in the way of mitigation of the harm that the proposal will cause to the special interest of the historic farmstead. The loss of significant areas of hard landscaping, including buff tarmac, which are proposed, further exacerbate the harm caused to the setting of the listed building.

I also note that the design of the proposed new houses, beyond the choice of some of the materials, is not particularly sympathetic to the rural nature of the context. This exacerbates the alien and intrusive nature of the development, and its adverse impact on the rural setting of the listed buildings.

For these reasons in my opinion the proposal is harmful to the settings and special interests of Burleigh Cottage and its curtilage listed outbuilding. This is contrary to the requirements of District Plan Policy DP34. In terms of the NPPF, I would place the harm within the less than substantial scale, at around the low-mid point- although that harm will be cumulative with that caused by the proposed development to the north side of the lane, see below. The balancing exercise set out in paragraph 215 will apply. In carrying out this exercise, the Council should be mindful of the requirements also set out in the Framework that great weight should be given to the conservation of heritage assets, and that any harm should require a clear and convincing justification.

A planning application is currently under consideration in relation to the fields to the opposite, northern side of Burleigh Lane for a development of 48 dwellings with open space, landscaping, car parking and associated infrastructure including provision of internal access roads and access road onto Woodlands Close. Although this is yet to be finally determined, awaiting as I understand it a Section 106 agreement, the potential cumulative impact of this and the current proposal should be a consideration. Together, these two developments would entirely remove the surviving close rural setting of the historic farmstead, and sever its relationship with the broader countryside context to the east. This will exacerbate the harm arising to the special interest of the listed and curtilage listed building to around the midpoint of the less than substantial scale."

- 12.48 It is considered above that the proposed development would result in a limited level of harm to the character and appearance of the open countryside, as a result of the urban sprawl extending beyond the settlement boundary on the southern side of Crawley Down. The Conservation Officer has also said that the proposed development will be harmful to the settings and special interests of Burleigh Cottage and its curtilage listed outbuilding and that the level of harm will be less than substantial and around the low-mid point of that scale. The Conservation Officer advises that the harm to the listed building setting will be cumulatively affected by the 48 houses approved under DM/25/1593, on the land immediately north of the application site and adjoining the curtilage of Burleigh Cottage to the east.
- 12.49 Under DM/25/1593 the Planning Officer advised that there were public (and economic) benefits considered to outweigh the less than substantial harm to the setting to the heritage asset. DM/25/1593 is also an allocated for residential development in the SADPD.
- 12.50 The application site is located further away from the curtilage boundary of Burleigh Cottage and on the southern side of Burleigh Lane, compared to the site under DM/25/1593. It is therefore considered that with appropriate planting and a condition for landscaping to supplement the boundary vegetation of the application site, the identified harm could be satisfactorily mitigated.
- 12.60 However, in accordance with paragraph 212 of the NPPF 'great weight' needs to be given to the conservation of the designated heritage assets. Although the identified harm to each is less than substantial, it should nonetheless be given considerable importance and weight in accordance with the relevant provisions of the 1990 Act.
- 12.61 Paragraph 215 of the NPPF requires where less than substantial harm is identified this harm is weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 12.62 The proposal is considered to have public benefits including the provision of up to eight self build/custom build dwellings and a contribution towards affordable housing. The proposal

would also provide economic benefits including construction jobs, additional spending in the locality and new homes bonus. These benefits are considered to outweigh the less than substantial harm to the setting to the heritage asset outlined above. Nevertheless, the identified harm to the heritage assets needs to be considered in the overall planning balance.

Neighbour Amenity

12.63 One of the key issues to assess under a planning application is the potential impact on neighbouring residential amenity.

12.64 District Plan Policy DP26 is applicable and this states, in part where relevant, that:

'All applicants will be required to demonstrate that development.....does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27).'

12.65 The test of development here is whether or not it causes 'significant harm' to neighbouring amenity as per DP26. It is acknowledged that criteria (c) of CDNP05 states that amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents should be 'safeguarded'. However, as noted previously under section 38(5) of the Planning and Compulsory Purchase Act 2004, if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. The 'significant harm' test of the District Plan adopted in March 2018 is therefore the correct test to apply in this case.

12.66 As commented upon above, this is an outline application, and this issue is reserved for the details to be considered under a subsequent application. Notwithstanding this, due to the spacious character of the existing pattern of housing in the locality, all neighbouring houses are considered to be quite some distance away and there is no reason to suggest that this stage that a development cannot come forward that would not protect the amenities to neighbouring properties and future residents to an acceptable degree.

12.67 The proposed development, as far as contained in this application, is therefore considered to be compliant with the above relevant policy DP26 on this issue.

Space Standards/Accessibility

12.68 Policy DP27: Dwelling Space Standards states:

'Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:

Open market dwellings and affordable housing;

The full range of dwelling types; and

Dwellings created through subdivision or conversion.

All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.'

12.69 Policy DP28 Accessibility states;

'Developments of 5 or more dwellings will be expected to make provision for 20per cent of dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2), with the following exceptions:

- 1) Where new dwellings are created by a change of use;*
- 2) Where the scheme is for flatted residential buildings of fewer than 10 dwellings;*
- 3) Where specific factors such as site topography make such standards unachievable by practicable and/ or viable means;*
- 4) Where a scheme is being proposed which is specifically intended for the needs of particular individuals or groups, where a greater proportion may be appropriate.*

Wheelchair-user dwellings

Category 3 - Wheelchair-user dwellings under Building Regulations - Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4per cent, dependent on the suitability of the site and the need at the time.'

The proposed development will have to comply with access under building regs, i.e. level or ramped access to all areas.

A condition that 20per cent of the dwellings will meet the requirement of Part M of the building regulations can be added to any planning permission. Essentially this means that 20per cent provision across the development needs to be made to ensure that 3 dwellings are wheelchair accessible M4(2). The planning statement at paragraph 5.25 states that the proposal will prove 20% of the total proposed apartments to comply with Part M which meets policy criteria under DP28.'

- 12.70 In respect of space standards, the proposed units (as detailed in the accommodation schedule) more than comply with the Nationally Described Technical Housing Standards and MSDP policy DP27. This matter will need to be looked at again at the reserved matters stage.
- 12.71 Given that the proposed development exceeds the threshold of 5 dwellings, the proposed residential units will need to be compliant under Building Regulations Part M4(2) accessible and adaptable, in accordance with policy DP28. These details can be submitted at the reserved matters stage of the planning process.

Affordable Housing and Mix

- 12.72 Policy DP30 of the MSDP deals with housing mix and states;

'To support sustainable communities, housing development will:

- Provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*
- Meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and*
- On strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time: or the provision of an equivalent financial contribution towards off-site provision (or part thereof is some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale,*

commensurate with the overall scale of residential development proposed by the strategic; and serviced plots for self-build homes where a need for such accommodation is identified.

- *If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the Council.'*

12.73 Policy DP31 of the MSDP deals specifically with affordable housing and states,

'The Council will seek:

- 1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace¹⁴ of more than 1,000m²;*
- 2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 – 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;*
- 3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;*
- 4. a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and*
- 5. free serviced land for the affordable housing.*

All affordable housing should be integrated with market housing and meet national technical standards for housing including "optional requirements" set out in this District Plan (Policies DP27: Dwelling Space Standards; DP28: Accessibility and DP42: Water Infrastructure and the Water Environment); or any other such standard which supersedes these.

Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document.

The policy will be monitored and kept under review having regard to the Council's Housing Strategy and any changes to evidence of housing needs.'

12.74 CDNP policy CDNP05 states:

'p) Developments of 6 or more dwellings should provide a mix of dwelling sizes (market and affordable) that fall within the following ranges:

*Market Housing At least 75% 2-3 bedroom houses and up to 25% other sizes
Affordable Housing At least 80% 2-3 bedroom houses and Up to 20% other sizes'*

- 12.75 As described above, the application proposes six, 5 bedroom and two, 3 bedroom houses. Paragraph 7.6 of the Planning Statement confirms that on the Council's website it shows that, on 30 October 2024 there were 23 people registered with 21 local connections, and that of those with a preference for Crawley Down the majority wanted 4 or more bedrooms with just under a third showing a preference for 3 bedrooms. The proposed development would be compliant with the local level of demand and or interest.
- 12.76 In terms of affordable housing provision the applicant proposes to make a financial contribution towards off-site affordable housing. Para 7.12 of the Planning Statement confirms that this is consistent with the outcome of DM/24/2400 for the erection of eight self/custom build dwellings on land at Gibbshaven Farm, north of Felbridge Road, Furnace Wood.
- 12.77 The Council's Housing and Enabling Manager has commented as follows:

"With regards to the plans submitted, I currently APPROVE them if the below is adhered to:

The applicant is proposing a development of up to 8 x 3+ bedroom self/ custom build dwellings with all matters reserved apart from access. There are currently 16 households on the Council's Self and Custom Build Register of Interest, of which only 6 are looking for a plot in East Grinstead, Crawley Down or Copthorne. It is also not known whether all 6 would be able to finance the acquisition of a plot and the subsequent building of a property.

The indicative mix for the plots comprises 8 large 3+ bedroom detached properties and since the combined gross floor space of 8 such properties is likely to exceed 1000m², there will be an affordable housing requirement of 30% (3 units) in accordance with District Plan Policy DP31. On-site affordable housing is always preferred but in this case rather than requiring 3 serviced plots to be provided for affordable self/custom build, if the scheme is to be granted permission we would be prepared to accept a commuted sum of £303,000 towards the cost of off-site affordable housing. This sum is calculated in accordance with the figures in the West Sussex Commuted Sum Review letter dated 11th March 2011 - 3 x 3B houses @ £101,000 per plot = £303,000. It will be payable prior to the Commencement of Development and the requirement will be secured through the s106 agreement. The money would be held in a separate account until all 8 self/custom build plots have been completed in accordance with their reserved matters permissions and would be reimbursed if the combined gross floor space of the 8 units built does not exceed 1000m².

The 8 self/custom build plots will be required to be offered in the first instance solely to those on the Council's Self & Custom Build Register of Interest, before being advertised on the Council's website for a period of 6 months. If after 6 months a plot has not been bought or reserved, it can then be advertised as a self or custom build plot on the open market too.

There is also a separate application which is currently at appeal for 8 x Serviced Self-Build Plots on the Land at Gibbshaven Farm, which if successful, may remove those applicants with a desire to build in the Northeast corner of the district from the Self Build Register. This does slightly diminish my support for the site as there may be an oversupply of Self Build Plots within this specific area of the district should both be granted permission.

A separate reserved matters application will be required to be submitted for each plot by the relevant plot purchaser, and all plot purchasers will need to have primary input into the final design and layout of their home."

- 12.74 Given the above, it is considered that the proposal is compliant with the above relevant policies DP30 and DP31 of the DP.

Highways

- 12.75 Policy DP21 of the District Plan deals with transport matters and sets out criteria against which decisions on development proposals will be assessed. It states:

Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- *A high quality transport network that promotes a competitive and prosperous economy;*
- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- *Access to services, employment and housing; and*
- *A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*

The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;

- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.

- 12.76 Policy CDNP05 of the Neighbourhood Plan refers to new development not impacting unacceptably on the local highway network.
- 12.77 Paragraph 115 of the NPPF also refers to this as well as the need for development providing a safe and suitable access to the site for all users.
- 12.78 As set out above this is an outline application, however the details for the proposed access have been submitted for consideration.
- 12.79 The Highway Authority at WSCC have considered the application and have raised no objection. Specifically in relation to access and visibility, they have commented as follows:

'The site is accessed from Burleigh Lane which is an unadopted Public Rights of Way (PRoW). Burleigh Lane meets Sandihill Lane to the west which is also an unadopted road that intersects Grange Road – Station Road which is a publicly maintained highway, subject to 30 miles an hour speed restriction. The scheme proposes to create a new access to the site in the northwest corner. The new access takes the form of a 5.5 metres wide simple vehicle crossover (VCO) access with an internal shared surface arrangement. This form of access is suitable for the scale of the proposed scheme, low speed nature of the access road and in a rural setting.'

Burleigh Lane is subject to 10 miles per hour speed restriction. Visibility splays of at least 25 metres in both directions setback by 2.4 metres are achievable, in accordance with the posted speed limit. An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no reported incidents of personal injury accidents near to the proposed access. Therefore, there is no evidence to suggest the existing road layout is operating unsafely or that the proposal would exacerbate an existing safety concern.'

- 12.80 The Highway Authority has also commented that the details of a safe and suitable access for a fire appliance and a refuse vehicle must be submitted through the reserved matters planning application. This is together with car and cycle parking provision, although the indicative drawings demonstrate that the proposed layout and housing design makes provision for satisfactory parking provision.

- 12.81 In terms of traffic generation, the Planning Statement at paragraph 7.33 confirms the summary and conclusions of the Reeves Transport Report, which states that,

'The TRICS data informs that the proposed eight self-build dwellings could generate circa three vehicle trips during the peak periods. This equates to circa one vehicle every 20minutes. Overall, it is considered that the proposal will only have a minimal impact on the existing road network and is therefore unlikely to result in any adverse effects.'

The Highway Authority do not consider that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. They have concluded that there are no transport grounds to resist the proposal

- 12.82 Your Officer has no reason to go against the Highway Authority's comments on the impact of the proposal on the highway network and highway safety. As such, and for the purpose of this outline application, the details provided for access are acceptable (and subject to planning conditions should permission be granted). There would be no unacceptable impact on highway safety nor on the highway network, and on this issue the proposal is considered to be compliant with policy DP21 of the DP, policy CDNP05 and national policy contained within the provisions of the NPPF.

Flood Risk/Drainage

- 12.83 Policy DP41 of the MSDP deals with flood risk and drainage matters and states the following:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.'

- 12.84 Policy CDNP06 states:

'Development proposals will be expected to demonstrate that they include sustainable drainage systems designed to manage the risk of surface water flooding within their boundaries, and that they will not increase flood risk elsewhere in the Parish. Examples of sustainable drainage systems include permeable driveways and parking areas, water harvesting and storage features (rain/grey), green roofs and soakaways. The preferred hierarchy of managing surface water drainage from any development is:

- 1) infiltration measures;*
- 2) attenuation and discharge to watercourses;*
- 3) discharge to surface water only sewers.*

Such measures should protect the amenity and security of other properties and should not adversely affect the water table and associated aquifers or ancient woodland.

Arrangements for the maintenance of drainage systems shall be required as a condition of planning permissions and these arrangements shall include details of who will manage and fund the maintenance for the lifetime of the development.'

- 12.85 Paragraphs 181 and 182 of the NPPF states;

'181 When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment (footnote 63). Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'*

Footnote 63: A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

182. *Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should:*

- a) take account of advice from the Lead Local Flood Authority;*
- b) have appropriate proposed minimum operational standards; and*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.'*

- 12.86 The application is accompanied by a Flood Risk Assessment and Drainage Strategy. The site is located in flood zone 1 and is not therefore at risk of flooding from tidal or fluvial sources, or groundwater.
- 12.87 A SuDS drainage system is proposed due to the geology of the area being clay and not permeable. Preliminary calculations indicate that surface water run off generated by the proposed development can be attenuated on site for all rainfall events up to the 1 in 100 year event including an allowance for climate change.
- 12.88 In terms of foul water drainage, either an on site pumping station will be required to lift foul water and discharge it to the existing foul sewer located beneath Sandhill Lane to the west of the site, or it could be collected via individual cess pits within the curtilage of each plot and then tankered away on a monthly basis.
- 12.89 The Council's drainage consultant has no objection, subject to the recommendation of conditions in the event that permission be granted. It is considered that drainage could successfully be provided on site and your Officer has no reason to consider otherwise.
- 12.90 Given the above, and for the purpose of this outline planning application the proposed development in terms of the flood risk and drainage issue, is considered to be acceptable and compliant with relevant policy.

Infrastructure provision

- 12.91 Policy DP20 of the MSDP seeks to ensure that development is accompanied by the necessary infrastructure. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations. The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:
- Position Statement 2: Infrastructure
 - Development Viability SPD
 - Affordable Housing SPD
- 12.92 Policy CDNP01 of the Neighbourhood Plan also seeks to secure sustainable local infrastructure through funded contributions.

- 12.93 The NPPF sets out the government's policy on planning obligations in paragraphs 56 and 58 which state:

'56 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'

and:

'58 Planning obligations must only be sought where they meet all of the following tests:

a) necessary to make the development acceptable in planning terms;

b) directly related to the development; and

c) fairly and reasonably related in scale and kind to the development.'

These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).

- 12.94 Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the National Planning Policy Framework' the infrastructure set out below is to be secured via a planning obligation.

- 12.95 The applicant has included a planning obligation form as part of their submission with the application, and they will be required to enter into a S106 Obligation to make the following provision.

West Sussex County Council Infrastructure Requirements:

- 12.96 Given that this is an outline application, formula's are given to calculate monies towards education, libraries and total access demand (TAD) at the reserved matters stage, when details are provided.
- 12.97 The primary education contributions generated by this proposal shall be spent on additional facilities at Crawley Down Village CoE Primary School, or another primary school in the planning area of East Grinstead should this be more suitable at the time that the contribution is made.
- 12.98 The secondary education contributions generated by this proposal shall be spent on additional facilities at Imberhorne School, or another secondary school in the planning area of East Grinstead should this be more suitable at the time that the contribution is made.
- 12.99 The further secondary education contributions generated by this proposal shall be spent on additional facilities at Imberhorne School Sixth Form, or another sixth form facility in the planning area of East Grinstead should this be more suitable at the time that the contribution is made.
- 12.100 The contribution generated by this proposal will be spent on providing additional facilities at East Grinstead Library.
- 12.101 In respect of TAD the contribution generated by this proposal will be spent on active travel improvements in Crawley Down.

Mid Sussex District Council Infrastructure Requirements

£9,620 towards local community infrastructure provision and specifically for Upgrades to any or all the following car parks in the village- the Glebe Centre car park, Haven centre Car park, Memorial car park, and Burleigh Way car park; and/or Upgrades to the war memorials to include extension to stones/ additional stones/ flag poles; and /or Improvements to pedestrian routes and/or An information trail for the village

£18,850 is required to make improvements for play space and £15,000 for outdoor provision for older children. The contribution for play space/ outdoor provision for older children (£18,850 for play space and £15,000 for outdoor provision for older children) should be used for Improvements at Bowers Place play area; and/ or Improvements at King George V Field; and/ or Improvements at Haven Sports Field.

£13,440 is required toward formal sport facilities. The contribution for formal sports should be used for new and improved sports and ancillary facilities at Crawley Down Cricket Club and / or Crawley Down Gatwick Football Club and / or King George V Playing Field, Sandy Lane, Crawley Down.

£13,524 is required to make improvements community buildings. The contribution for community buildings should be used for Improvements to the 1st Turners Hill & Crawley Down Scout Hut, and/ or improvements to the Haven Centre, Crawley Down.

- 12.102 A number of representations objecting to the scheme have referred to existing infrastructure deficiencies. As Members will know, developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development. It is recognised that the additional population from this development will impose additional burdens on existing infrastructure and the requirements/monies identified above will help mitigate these impacts.
- 12.103 Given the above, the Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.
- 12.104 As such, it is considered that on this issue alone the proposed development is compliant with the criteria of the relevant policy DP20 of the DP and the provisions contained within the NPPF.
- 12.105 A S106 obligation is in preparation to secure these payments and subject to its completion, the scheme is considered to accord with relevant Development Plan policy in this respect.

Trees

- 12.106 Policy DP37 in the MSDP states:

'Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.'

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.'

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- prevents damage to root systems and takes account of expected future growth; and*
- where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- has appropriate protection measures throughout the development process; and*
- takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- the condition and health of the trees; and*
- the contribution of the trees to the character and visual amenity of the local area; and*
- the amenity and nature conservation value of the trees; and*
- the extent and impact of the works; and*
- any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

12.107 Paragraph 136 of the NPPF states;

'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined(52), that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

(Footnote 52: Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate)'

12.108 As said above this is an outline application with details of landscaping to be reserved and considered under a subsequent application. However, the application is accompanied by a Tree Report and Arboricultural Method Statement. Landscaping proposals have been developed by Nicholas Dexter Landscapes (0373-NDLD-L-Landscape Proposal) and seek to ensure the character of the site remains sympathetic to its surroundings with the introduction of natural boundaries, additional tree and vegetation planting, all designed to enhance the natural character of the site and provide further wildlife habitats.

12.109 The Council's Tree and Landscape comments are as follows:

'I have reviewed the Tree Report and Method Statement for this proposal. I note the loss of a category C oak, but this is not a constraint to development.

I have no objection. Please condition adherence to this document.

I have also reviewed the Landscaping proposals and am happy to see that native species have been selected, which is in line with DP37.'

12.110 Your Planning Officer supports the above comments and considers that the development is acceptable at the outline stage and in respect of trees and landscaping proposals, and is therefore compliant with relevant policies.

Ecology and Biodiversity Net Gain

12.111 Policy DP38 in the MSDP states:

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*

- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*

- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*

- *Promotes the restoration, management and expansion of priority habitats in the District; and*

- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

- 12.112 Paragraph 187 of the NPPF sets out the ways planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 193 of the NPPF states:

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*

- 12.113 The Environmental Act 2021 has amended section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and places a general duty on a public authority to conserve and enhance biodiversity. A public authority must, in exercising its functions, have regard, as far as is consistent with the proper exercise of those functions, to the purpose of conserving and enhancing biodiversity.
- 12.114 The application is accompanied by a preliminary ecological appraisal various protected species surveys and a Biodiversity Net Gain Report and Metric has been prepared by The Ecology Consultancy and the reports are included in the application documentation.
- 12.115 At paragraphs 7.25-7.27 the applicants planning statement refers to this issue and summarises their PEA and that the development will comply with policy DP38. The Council's Ecological Consultant has reviewed the submitted information and has no objection to the proposed development subject to planning conditions being included on any planning permission.
- 12.116 In respect of Great Crested Newts, the Council's consultants have recommended conditions and informatives should planning permission be granted. They concluded that, 'there is a high likelihood that the site is utilised by GCN and that a licence will be required. The applicant has expressed that they wish to pursue the District Licence to provide legal protection for this development.

12.117 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

12.118 The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:

*'The condition is that the development may not be begun unless—
(a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and
(b) the planning authority has approved the plan (see paragraph 15).'*

12.119 The proposed development is subject to the mandatory 10% BNG as also stated by the applicant on the application form.

12.119 The Environment Act 2021 makes provision for BNG to be delivered in the following ways;

- On-site
- Off-site (on registered sites)
- Biodiversity credits (purchased nationally)

The BNG can be delivered via a blend of the above measures, as appropriate.

12.120 Paragraph 7.27 of the applicant's planning statement confirms that the applicant is prepared to acquire off-site BNG credits to secure the mandatory 10% net gain in biodiversity. The BNG credits will be secured through the discharge of the statutory BNG condition attached to any decision issued.

12.121 Given the above, your Officers are satisfied that the proposal complies with policy DP38 of the MSDP, and the relevant sections of the NPPF.

Sustainability

12.122 Policy DP39 of the MSDP deals with sustainable design and construction, and states;

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

- 12.123 Paragraph 164 of the NPPF seeks to ensure that new developments are planned to help *'reduce greenhouse emissions, such as through its location, orientation and design'*. Paragraph 166 expects new development to, *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*
- 12.124 It is important to recognise that in respect of policy DP39 of the District Plan, whilst the wording of the policy is supportive of improving the sustainability of developments, there are no prescriptive standards for developments to achieve in respect of carbon emission reductions. Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.
- 12.125 The application is supported by an energy and sustainability statement (XDA Version 02 December 2025) that sets out the applicant's intentions with regard to the sustainability for the development. These include;
- Efficient fabric thermal performance
 - Natural ventilation
 - Provision of LED light fittings
 - Provision of renewable energy: air source heat pumps systems for heating and hot water
 - Water efficient fittings
 - Cycle storage
 - sustainably sourced and low-impact construction materials, including those with recognised environmental certification and recycled content where appropriate.
- 12.126 During the construction phase, waste reduction will be managed through a Construction Environmental Management Plan or equivalent procedure to ensure that materials are used efficiently and waste is minimised.
- 12.127 Sustainable Drainage Systems (SuDS) will be integrated to attenuate runoff, enhance infiltration where feasible, and improve the ecological value of the site. These measures help to reduce pressure on local water infrastructure while supporting climate resilience.
- 12.128 The community will also benefit from the occupation of these units and their social contribution to the area.
- 12.129 Economically, the proposed development will generate employment opportunities during the course of its construction.
- 12.130 In terms of its location, and sustainability, the site lies on the southern side of Burleigh Lane and opposite the Crawley Down settlement boundary and land allocated site for 48 houses, which has a resolution to grant planning permission DM/25/1593). It is within walking and cycling distance of the centre of Crawley Down focussed on Station Road, Burleigh Way and Old Station Close.
- 12.131 Collectively, these measures demonstrate that the scheme contributes positively to district-wide environmental objectives and will deliver benefits for future occupants and the surrounding area. Having regard to the above, it is considered that the application complies with policy DP39 of MSDP, the MSDG and the relevant paragraphs of the NPPF.

Ashdown Forest

- 12.132 Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority – in this case, Mid Sussex District Council – has a duty to ensure that any plans or projects that they regulate (including

plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

- 12.133 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.
- 12.134 A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

Recreational disturbance

- 12.135 Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.
- 12.136 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.
- 12.137 This planning application is within the 7km zone of influence and generates a net increase of 8 dwellings, and as such, mitigation is required.
- 12.138 An appropriate scale of SAMM mitigation for the proposed development is £9,360, and if the approved scheme provides for a strategic SANG contribution, this would be £42,024.
- 12.139 The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and strategic SANG mitigation. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.
- 12.140 The strategic SANG is located at Hill Place Farm in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The SANG is managed in accordance with the Management Plan and this document sets out the management objectives for the site and the management activities. Financial contributions for the strategic SANG will be spent in accordance with the Management Plan.
- 12.141 The financial contributions for SAMM and SANG mitigation will be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").
- 12.142 Once the Planning Obligation securing the SAMM and SANG contributions, it is considered that the mitigation of the recreational impact to the Ashdown Forest will have

been secured. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan and CDNP11 of the Neighbourhood Plan.

- 12.143 Natural England has been consulted on the appropriate assessment of this proposed development and raise no objection.

Atmospheric pollution

- 12.144 Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.
- 12.145 The proposed development was modelled in the Mid Sussex Transport Study as a development allocated through the SADPD such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

- 12.146 The Habitats Regulations Assessment concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.
- 12.147 The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed provides sufficient mitigation to avoid any potential impact on the Ashdown Forest SPA.
- 12.148 No mitigation is required in relation to the Ashdown Forest SAC.
- 12.149 Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives and having consulted Natural England and fully considered any representation received, Mid Sussex District Council as the competent authority may now determine the proposed development.

Other Matters (water supply)

- 12.250 In terms of Policy DP42 and water infrastructure, this states in part that proposals that increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate that there is an adequate water supply to serve the development. The applicant's drainage consultant has made a pre-development enquiry to South-East Water and their response is awaited.
- 12.251 However, the applicant wants Members to note that South-East Water have an obligation to provide a water supply to the development by virtue of Section 37 of the Water Industry Act 1991 (as amended).

13.0 Planning Balance and Conclusion

- 13.1 Outline planning permission is being sought with all matters reserved except for access from Burleigh Lane, for the erection of up to eight self-build/custom build dwellings,

drainage and ancillary works. This is on land to the south of Burleigh Lane in Crawley Down.

- 13.2 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Crawley Down Neighbourhood Plan (CDNP).
- 13.3 Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.
- 13.4 The NPPF states that planning should be genuinely plan-led. Paragraph 11(c) of the NPPF is clear that development proposals should be approved without delay where they are in accordance with an up-to-date Development Plan. It states further, paragraph 11(d), that where the policies most important for determining the application are out-of-date, permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (the tilted balance). Footnote 8 of paragraph 11 clarifies that 'out-of-date' includes for applications the provision of housing in situations where the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites.
- 13.5 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.
- 13.6 The principle of the application does conflict with the Development Plan, in terms of what type of development is permissible in the countryside under policies DP6, DP12 and DP15 of the MSDP and policy CDNP05 NP. Harm to heritage assets has also been identified, in conflict with policy DP34 of MSDP. It is considered that the development conflicts with the Development Plan, taken as whole, and therefore attention needs to be given to any other material considerations (NPPF) that might indicate that a decision should be taken other than in accordance with the Development Plan.
- 13.7 The Council is currently unable to demonstrate a five year supply of deliverable housing sites. Having regard to this, and in light of footnote 8 of the NPPF, it is considered that the presumption in favour of sustainable development, as set in paragraph 11(d) of the NPPF, is engaged and the key test that should be considered in determining this application.
- 13.8 Having regard to footnote 7 of paragraph 11, and taking into account the above assessment, it is not considered that there are any strong reasons that would justify refusing the scheme (para 11(d)(i)). As such paragraph 11(d)(ii) is relevant in the determination of this application and the permission should be granted unless the adverse impact significant and demonstrably outweigh the benefits, when considered against the policies within the NPPF.

- 13.9 The provision of eight dwellings, albeit to a lesser extent, will assist with meeting the Councils housing requirements and in this case, there would be some social and economic benefits from this development proposal, namely, the positive contribution to the local community through the increase in population of varied ages as a result of small units and the jobs created during construction. There would also be public benefits arising during the construction phase of the project and from the operational phase from additional spending in the local economy from the future residents. This is a sustainable location. These factors all weigh in support of the proposals.
- 13.10 The Housing and Planning Act (2016) prescribes a statutory duty for the Council to give enough permissions in respect of serviced plots of land to meet the demand for self-build and custom housebuilding. A recent appeal for eight self and custom build plots on land north of Felbridge Road, Felbridge, was allowed at appeal (APP/D3830/W/25/3373757 – DM/24/2400). This was because the Inspector concluded that the Council is not meeting its statutory requirements in relation to providing sufficient self-build and custom housing plots. This application will therefore favourably contribute to the Councils shortfall in supply. This is a benefit in terms of the planning balance.
- 13.11 In terms of affordable housing this is positive in the balance given that the proposal will provide a financial contribution for off-site provision which will be secured through a Section 106 Agreement.
- 13.12 In respect of adverse impacts, the development would cause harm to the character and appearance of this rural location, and result in the development of a green field. However, this harm would be limited given the circumstances of the locality and that there is a resolution to grant permission on land immediately north of Burleigh Lane and opposite the site, which will be built out with 48 dwellings and is within the built-up area. Furthermore, supplemental landscaping along the Burleigh Lane boundary (which can be secured via condition) will help to mitigate the visual impact of the proposed development.
- 13.13 In terms of impact on heritage assets and in particular the setting of Burleigh Cottage, a grade II listed building and its curtilage listed outbuilding, less than substantial harm has been identified. In the contexts of paragraph 215 of the NPPF it is considered that there are public benefits that outweigh the identified harm, the less than substantial harm still needs to be given significant weight in the determination of the application. This weighs against the development.
- 13.14 In terms of residential amenity, it is considered that there will be no significant harm for the occupants of neighbouring houses which are all located some distance away due to the spacious existing pattern of development in the locality. No significant harm would result for the future occupants of the proposed dwellings due to acceptable distance between dwellings and the acceptable indicative layout. This is neutral in the planning balance.
- 13.15 In relation to transport issues and the details to be considered at this outline stage for access, West Sussex County Council has no objection. The proposed 5.5m width and visibility splays of at least 25 metres in both directions setback by 2.4 metres is achievable, in accordance with the posted speed limits. This is neutral in the planning balance.
- 13.16 There are no objections raised in relation to drainage, contamination, biodiversity/trees, utilities, sustainability or archaeology. As such these points are neutral in the planning balance.

- 13.17 The proposal would provide an off-site 10% biodiversity net gain, which can be given moderate weight.
- 13.18 The proposed development will not have a harmful impact on the Ashdown Forest in terms of pollution. SANG and SAMM will be secured through the S106 Agreement as mitigation to protect the forest against recreational disturbance. The S106 will also secure financial contributions for infrastructure improvements. This is neutral in the balance.
- 13.19 In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal. There are no strong reasons for refusing the development.
- 13.20 In these circumstances, the NPPF states that permission should be granted and there are no other material considerations that would alter the above planning balance.
- 13.21 It is considered that while the proposals do conflict with the Development Plan when read as whole, there are other material considerations that indicate that a decision should be made other than in accordance with the Development Plan.
- 13.22 Therefore, taking all the points into consideration, there are compelling reasons to approve this application. Subject to the satisfactory completion of a Section 106 Legal Agreement to secure monies for infrastructure provision, the provision of affordable housing, and the imposition of suitable conditions.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

The development hereby permitted must be begun either not later than the expiration of eighteen months from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

3. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until

all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and Policy CDNP06 of the Neighbourhood Plan.

4. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) and Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period.

The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- o the anticipated number, frequency and types of vehicles used during construction,
- o the method of access and routing of vehicles during construction,
- o the parking of vehicles by site operatives and visitors,
- o the loading and unloading of plant, materials and waste,
- o the storage of plant and materials used in construction of the development,
- o the erection and maintenance of security hoarding,
- o the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- o details of public engagement both prior to and during construction works,
- o Measures to control noise or vibration affecting nearby residents,
- o Artificial illumination,
- o Dust control measures in accordance with best practice.

Reason: In the interests of highway safety, the amenities of the area and amenity of local residents to accord with policies DP21 and DP26 of the Mid Sussex District Plan.

5. Archaeological trial trenching and excavation

(1) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.

(2) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above, and any subsequent mitigation has been agreed.

(3) The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design for approval by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance by the Local Planning Authority.

Reason: The site is of archaeological significance, and it is important that it is recorded by excavation before it is destroyed by development and to accord with Policy DP35 of the Mid Sussex District Plan 2014 -2031.

6. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR177, or a 'Further Licence') and with the proposals detailed on plan "Land To The South Of Burleigh Lane: Impact plan for great crested newt District Licensing (Version 1)", dated 2nd April 2026.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR177, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006. Also, in accordance with policy DP38 of the Mid Sussex District Plan 2014-2031.

7. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR177, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006. Also, in accordance with policy DP38 of the Mid Sussex District Plan 2014-2031.

8. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR177, or a 'Further Licence') and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR177, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006. Also, in accordance with policy DP38 of the Mid Sussex District Plan 2014-2031.

9. Other than the works required to construct the vehicular access, no development shall commence until the vehicular access serving the development has been constructed in accordance with the approved drawing 0715.PL.003 (proposed site plan).

Reason: In the interests of road safety in accordance with policy DP21 of the Mid Sussex District Plan and national policy contained within the NPPF.

10. No part of the development shall be first occupied until visibility splays of 2.4 metres by 25 metres have been provided at the site access onto Burleigh Lane, in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to accord with policy DP21 of the Mid Sussex District Plan and the NPPF.

11. No part of the development shall be first occupied until such time as the vehicular and pedestrian accesses serving the development have been constructed in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development. In the interests of road safety and to accord with policy DP21 of the Mid Sussex District Plan and the NPPF.

12. No building is to be occupied, or brought into use, until a Verification Report pertaining to the surface water drainage system, carried out by a competent Engineer, has been submitted to the Local Planning Authority. The Verification Report shall demonstrate the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets, and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features. The Verification Report should also include an indication of the adopting or maintaining authority or organisation.

Reason: To ensure that the constructed surface water drainage system complies with the approved drainage design and is maintainable in accordance with NPPF and policy DP41 of the Mid Sussex District Plan.

13. Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and show how and where external lighting will be installed (through provision of appropriate lighting technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended). Also, in accordance with policy DP38 of the Mid Sussex District Plan and the NPPF.

14. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Reptile Presence/Likely Absence Survey (Ecology Partnership, November 2025), Dormouse Survey Report (Ecology Partnership, November 2025), Biodiversity Drawing 01 Title 0373-NDLD-L-8010 (Nicholas Dexter Ltd., November 2025) and Preliminary Ecological Appraisal Ecological Impact Review Parts 1 & 2 (Ecology

Partnership, November 2025), as 5 already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement for reptiles and common amphibians in Section 4.4 of the Reptile Presence/Likely Absence Survey (Ecology Partnership, November 2025) and the Precautionary Method Statement for mobile protected and Priority species in Section 4.18 of the Preliminary Ecological Appraisal Ecological Impact Review Parts 1 & 2 (Ecology Partnership, November 2025). This avoids impacts on protected species. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended). Also, in accordance with policy DP38 of the Mid Sussex District Plan and the NPPF.

15. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the Local Planning Authority.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DP26, DP29 of the Mid Sussex District Plan and national policy provisions contained within the NPPF.

16. Unless otherwise agreed in writing with the LPA, no construction plant or machinery shall be used and no commercial goods or commercial waste shall be delivered or collected within the application site outside the hours of 08:00 - 18:00 Hours Monday - Friday, 09:00 - 13:00 Hours Saturday, and no work permitted on Sundays or Bank/Public Holidays.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with policy DP29 of the Mid Sussex District Plan

17. The works shall be carried out in accordance with the recommendations and protection measures set out within the arboricultural impact appraisal and method statement prepared by David Archer Associates, November 2025).

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031.

18. The development shall not be occupied until the sustainability measures set out in the accompanying Sustainability and Energy Statement have been implemented in full.

Reason: In the interests of achieving an energy efficient, sustainable development and to accord with Policy DP39 of the Mid Sussex District Plan 2014 - 2031.

Biodiversity Net Gain

1. This permission is considered to be one which **will require the approval of a biodiversity gain plan before development is begun** (which includes demolition) because none of the statutory exemptions or transitional arrangements are considered to apply.

Please see the information contained within the notes to applicants/agents set out below.

Informatives

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs, Saturdays 0900 - 1300 hrs, No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
3. The applicant is advised that if new surface / foul water discharge points are proposed into the ordinary watercourse, it is therefore important that any requirement for Ordinary Watercourse Consent (OWC) is fully considered before works are undertaken. OWC application details, including a link to guidance as to what classifies as a consentable structure/activity can be found here: [Ordinary watercourse land drainage consent - West Sussex County Council](#)
4. It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.
5. It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.
6. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority which permits the development to proceed under the District Licence (WML-OR177, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.

7. It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

Human Rights Implications

The planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Proposed Floor and Elevations Plan	0715.PL.004		15.12.2025
Topographical Survey	25/158/100/A		15.12.2025
Topographical Survey	25/158/100/B		15.12.2025
Topographical Survey	25/158/100/C		15.12.2025
Topographical Survey	25/158/100/D		15.12.2025
Topographical Survey	25/158/100/E		15.12.2025
Topographical Survey	25/158/100- Overview		15.12.2025
Landscaping Details	0373-NDLD-L- 3010	01	15.12.2025
Other	0373-NDLD-L- 4010	01	15.12.2025
Other	0373-NDLD-L- 8010	01	15.12.2025
Site Plan	0715.EXG.100		15.12.2025
Proposed Block Plan	0715.PL.001		15.12.2025
Location and Block Plan	0715.PL.002		15.12.2025
Proposed Site Plan	0715.PL.003		15.12.2025
Landscaping Details	0373-NDLD-L- 3006	01	15.12.2025
Landscaping	0373-NDLD-L- 1001	01	15.12.2025
Tree Survey	0373-NDLD-L- 3005	01	15.12.2025